

Washington, Tuesday, April 8, 1947

TITLE 3-THE PRESIDENT PROCLAMATION 2724

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT-FLORIDA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Under Secretary of the Interior has submitted to me for approval the following regulations adopted by him, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act (5 U.S. C. Supp. 1003), on March 27, 1947, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS WITHIN, ADJA-CENT TO, OR IN THE VICINITY OF THE EVER-GLADES NATIONAL WILDLIFE REFUGE, FLOR-

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Oscar L. Chapman, Under Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area, effective thirty days after publication in the FEDERAL REGISTER, in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in Dade and Monroe Counties, Florida, not now owned or controlled by the United States within the followingdescribed exterior boundary:

TALLAHASSEE MERIDIAN

Beginning at the intersection of the west boundary of T. 54 S., R. 37 E., (as shown on the official plat of the township, surveyed in April 1918 by authority from the Trustees of the Internal Improvement Fund of Florida) with the south right-of-way boundary of the Tamiami Trail, United States Highway No. 94;

Thence South, with the west boundary of Tps. 54 and 55 S., R. 37 E., approximately 11.6 miles to the northwest corner of T. 56 S., R. 37 E.;

Thence East, with the north boundary of T. 56 S., R. 37 E., 6.0 miles to the northeast corner thereof:

Thence South, with the east boundary of T. 56 S., R. 37 E., 6.0 miles to the southeast corner thereof;

Thence West, with the south boundary of T, 56 S., R. 37 E., 6.0 miles to the southwest corner thereof;

Thence South, with the west boundary of T. 57 S., R. 37 E., 3.0 miles to the northwest corner of sec. 19, T. 57 S., R. 37 E.; Thence East, on the third latitudinal sec-

tion line through T. 57 S., R. 37 E., 5.0 miles to the corner common to sections 13, 14, 23

and 24 of said township;
Thence South, with the first meridional section line through Tps. 57 and 58 S., R. 37 E., 8.0 miles to the corner common to sections

25, 26, 35, and 36, T. 58 S., R. 37 E.;
Thence West, with the south boundary of sections 26 and 27, 2.0 miles to the corner common to sections 27, 28, 33 and 34 of said township;

Thence North 0.5 mile to the quarter-section corner common to sections 27 and 28; Thence West 1.5 miles to the center of section 29;

Thence North 1.5 miles to the quartersection corner common to sections 17 and 20; Thence East, with the north boundary of sections 20 and 21, 1.5 miles to the corner common to sections 15, 16, 21 and 22;
Thence North, with the west boundary of sections 15 and 10, 2.0 miles to the corner

common to sections 3, 4, 9 and 10;

Thence West, with the south boundary of sections 4, 5 and 6, 3.0 miles to the southwest corner of section 6;

Thence West, approximately 1.1 miles to the east boundary of T. 58 S., R. 36 E.;
Thence South, with the east boundary of T. 58 S., R. 36 E., approximately 0.4 mile to the southeast corner of section 24 in said township;

Thence West, passing within T. 58 S., R. 36 E, with the south boundary of sections 24, 23, 22 and 21, 4.0 miles to the corner common to sections 20, 21, 28 and 29 in said township;

Thence South, with the east boundary of sections 29 and 32 approximately 2.0 miles to the southeast corner of section 32;

Thence East, approximately 0.1 mile to the northeast corner of section 6, T. 59 S., R. 36 E.:

Thence South, with the fifth meridional section line through T. 59 S., R. 36 E., (unsurveyed) approximately 4.5 miles to the

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corner common to sections 19, 20, 29 and 30 in said township;

Thence East, with the second latitudinal section line through T. 59 S., R. 36 E., (unsurveyed) 5.0 miles to the east boundary of said township, the northeast corner of section 25:

Thence South, between Tps. 59 S., Rs. 36 and 37 E., approximately 1.0 mile to the northwest corner of section 19, T. 59 S., R. 37

Thence East, with the third latitudinal section line through Tps. 59 S., Rs. 37, 38 and 39 E., to the intersection with the westerly

39 E., to the intersection with the westerly right-of-way boundary of United States Highway No. 1, in the north boundary of section 20, T. 59 S., R. 39 E.;

Thence Southeasterly, with the westerly right-of-way boundary of United States Highway No. 1 approximately 8.5 miles to the intersection of the westerly right-of-way boundary of United States Highway No. 1 with the center of the Intracoastal Water-way.

Thence Southwesterly with the center of the Intracoastal Waterway, approximately 36.0 miles to a point in the center of the Intracoastal Waterway about 1.3 miles due North from the most northerly point of North from the most northerly point of Jewfish Key in approximate latitude 24°51' 32" N., longitude 80°47'30" W.; Thence Northwesterly across Florida Bay passing chart in the contract of the

passing about 1 mile northeast of Schooner Bank and about 1 mile southwest of Sandy Key, approximately 25.4 miles to a point, at latitude 25°05' N., longitude 81°07' W., approximately 2.8 miles southwest of Cape Sable:

Thence Northwesterly approximately 11.0 miles to a point at latitude 25°13′ N., longitude 81°13′ W., approximately 2.8 miles southwest of Northwest Cape:

Thence Northeasterly approximately 11.6 miles to a point at latitude 25°23' N., longitude 81°12' W., approximately 3.1 miles west of Shark Point;

Thence Northwesterly approximately 14.2 miles to a point in the Gulf of Mexico, approximately 3.0 miles south of Seminole Point, 2.7 miles southwest of Porpoise Point, in approximate latitude 25°34'15" N., and at longitude 81°17' W.;

Thence East, approximately 3.1 miles to the shore of the Gulf of Mexico approxi-

mately 0.5 miles southeast of Porpoise Point; Thence East along the second latitudinal section line in T. 56 S., R. 31 E. (unsurveyed), approximately 2.2 miles to point for the corner common to sections 22, 23, 26 and 27 (unsurveyed);

Thence North, with the west bundary of section 23, one mile to the northwest corner

Thence East, with the north boundary of section 23, one mile to the northeast corner thereof:

Thence North, with the west boundary of section 13, one mile to the northwest corner thereof:

Thence East, with north boundary of section 13, one mile to the west boundary of T. 56 S., R. 32 E., the southwest corner of section 7;

Thence North, with the west boundary of T. 56 S., R., 32 E., section 7, one mile to the northwest corner of said section

Thence East, with the fifth latitudinal section line through Tps. 56 S., Rs. 32, 33, 34 and 35 E., 19.0 miles to the northeast corner of section 7, T. 56 S., R. 35 E.;

Thence North, with the fifth meridional section line through Tps. 56, 55 and 54 S., R. 35 E., 10.0 miles to the south right-of-way boundary of Florida State Highway No. 27;

Thence East, in part with the south right-of-way boundary of Florida State Highway No. 27, and in part with the south right-of-way boundary of United States Highway No. Tamiami Trail, through Tps. 54 S., Rs. 35 and 36 E., approximately 11.8 miles to the place of beginning.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 27th day of March 1947.

> OSCAR L. CHAPMAN, Under Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918: NOW, THEREFORE, I, HARRY S.

TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3. 1918, do hereby approve and proclaim the foregoing regulation of the Under Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be

DONE at the City of Washington this 4th day of April in the year of our Lord nineteen hundred and fortyseven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON, Acting Secretary of State.

[F. R. Doc. 47-3389; Filed, Apr. 7, 1947; 10:50 a. m.l

TITLE 5—ADMINISTRATIVE **PERSONNEL**

Chapter I—Civil Service Commission

PART 22-APPEALS OF PREFERENCE ELIGI-BLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

HEARINGS

Paragraph (e) of § 22.9 is amended to read as follows:

§ 22.9 Hearings * *

(e) Testimony taken under oath; record of hearing; not open to public. The testimony at hearings shall be under oath. The Chief Law Officer or the Regional Director may direct that the

hearing be recorded stenographically by a reporter employed by the Commission. The reporter's transcript shall be a part of the record of the proceeding. Reporters not employed by the Commission shall not be permitted to make transcripts of the proceedings. In cases where the hearing is not recorded stenographically, the hearing examiner will make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing. If the examiner and the parties cannot agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. Attendance shall be limited to persons having a direct connection with the appeal.

(Secs. 11 and 14, 58 Stat. 387; 5 U.S.C. Sup. 860, 863)

UNITED STATES CIVIL SERV-[SEAL] ICE COMMISSION, H. B. MITCHELL President.

[F. R. Doc. 47-3317; Filed, Apr. 7, 1947; 8:52 a. m.]

TITLE 7-AGRICULTURE

Chapter I-Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51-FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH PLUMS AND PRUNES

By virtue of the authority (11 F. R. 7713) vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for plums and prunes (fresh). These standards were issued May 21, 1945, pursuant to the Department of Agriculture Appropriation Act, 1945 (58 Stat. 454) and are currently in effect pursuant to the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d sess., approved June 22, 1946).

§ 51.360 Plums and prunes (fresh)—
) Grades. (1) "U. S. Fancy" shall (a) Grades. consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks; and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechan-ical or other means. Italian type prunes shall be well colored and, unless otherwise specified, the minimum size of such prunes shall be not less than 11/8 inches in diameter.

In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count may fail to meet the size specification, but the combined tolerances for size, color and other defects shall not exceed 15 percent. (See paragraph (c), Application of tolerances.)

(2) "U. S. No. 1" shall consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay and sunscald, and from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be fairly well colored, and unless otherwise specified, the minimum size of such prunes shall be not less than 11% inches

in diameter.

In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerance for size, color and other defects shall not exceed 15 percent. (See paragraph (c), Application of tolerances.)

(3) "U. S. No. 2" shall consist of plums or prunes of one variety which are not badly misshapen, and which are mature but not overripe or soft or shriveled; and which are free from decay, sunscald, and from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(i) There are no requirements in this grade for color or size.

(ii) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. If a minimum size is specified, not more than 10 percent, by count, of the fruit in any lot may fail

to meet the size specified. (See paragraph (c), Application of tolerances.)

(4) "U. S. Combination" shall consist of a combination of U. S. No. 1 and U. S. No. 2 plums or prunes: *Provided*, That at least 75 percent, by count, meet the requirements of U. S. No. 1 grade.

In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U.S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: Provided, That the entire lot averages within the percentage specified. (See paragraph (c), Application of toler-

(b) Unclassified. "Unclassified" shall consist of plums or prunes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) Application of tolerances. The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: Provided, The averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(d) Standard pack. The plums or prunes shall be of fairly uniform size and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(1) The size of plums or prunes packed in 4-basket crates shall be indicated as follows: 4×4 , 4×5 , 5×5 , etc. in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as $4-3 \times 5$ and $5-4 \times 5$ shall not be considered standard packs.

(2) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example, a pack with 5 x 5 in

the top layer may have 5×5 in the middle layer, and shall have 4×5 or $4-3 \times 5$ in the bottom layer; or it may have 4×5 or $4-3 \times 5$ in the middle layer, and shall have 4×5 , $4-3 \times 5$, or 4×4 in the bottom layer.

(3) In layer-packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(4) In double-faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

(5) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for the Standard Pack.

(e) Definitions. (1) "Well-formed"

(e) Definitions. (1) "Well-formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well-formed.

(2) "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

(3) "Sunscald" means injury caused by the sun in which softening or collapse

of the flesh is apparent.

(4) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall

be handled as scars.)

(ii) Heat injury which is extensive or not light in color.

(iii) Growth cracks which are deep or not well-healed, or more than one-fourth inch in length; or when there is more than one growth crack on a fruit.

(iv) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(v) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well-formed.

(vi) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken.

(vii) Drought spots or gum spots which are distinctly noticeable upon external

examination.

(viii) Russeting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russeting when aggregating more than one-fourth inch in diameter.

(ix) Scars:

(a) Dark, rough or depressed scars which aggregate more than one-fourth inch in diameter.

(b) Fairly smooth, superficial scars, including fairly light discoloration such as is caused by handling or packing or by plums rubbing against each other while on the tree, which aggregate more than one-half inch in diameter.

(c) Thorn and limb scratches which are not well-healed; or which aggregate more than one-half inch in length.

(5) "Well colored" as applied to Italion type prunes, means that 95 percent of the surface of the prune is purple color, excepting that portion which is permitted to be affected by russeting.
(6) "Fairly well colored" as applied to

Italian type prunes, means that at least three-fourths of the surface of the prune

is purple color.

(7) "Diameter" means the shortest distance measured through the center of the fruit, at right angles to a line running from the stem to the blossom end.

(8) "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously damaged. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal halves shall not be considered badly misshapen.

(9) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Broken skins which are unhealed and more than one-eighth inch in diameter or depth; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(ii) Heat injury which causes any softening or dark discoloration of the flesh. Heat injury may cause internal or external discoloration, and may or may not be serious. It should not be confused with sunscald which causes softening or collapse of the tissue, and which is always classed as serious

(iii) Growth cracks which are not well healed, or which are more than 3/16 inch in depth, or more than one-half inch in

(iv) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin.

(v) Split pit which causes a crack at the stem end more than 3/16 inch in length, including any part which may be covered by the stem; or which affects the shape to the extent that the fruit is badly misshapen.

(vi) Hail marks which are more than $\%_{16}$ inch in depth, or which aggregate more than one-half inch in diameter.

(vii) Drought spots and gum spots which are more than 3/16 inch in depth, or which aggregate more than one-half inch in diameter.

(viii) Russeting which is not excessively rough, when aggregating more than one-third of the fruit surface; or excessively rough russeting when aggregating more than 1/2 inch in diameter.

(ix) Scars which are very dark or excessively rough and aggregate more than ½ inch in diameter; or which are more

than 3/16 inch in depth.
(10) "Fairly uniform size" means that the fruits in each packed container shall not show a variation of more than 1/4 of an inch in diameter.

(58 Stat. 454, Pub. Law 422, 79th Cong.)

Done at Washington, D. C., this 2d day of April 1947.

[SEAL] E. A. MEYER. Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-3327; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 10-ARMY: WAR DEPARTMENT

Chapter III-Claims and Accounts

PART 305-PAYMENT OF BILLS AND ACCOUNTS

PAYMENT OF TRANSPORTATION ACCOUNTS

Part 305 is amended in the following

1. Section 305.22 is superseded by the following:

§ 305.22 By whom paid—(a) Within continental limits of United States. All transportation accounts pertaining to War Department bills of lading and transportation requests issued for service to and from and within the continental limits of the United States and Alaska (except those payable from appropriations for civil functions of the Corps of Engineers) will be paid by the Finance Officer, U.S. Army, Transportation Division, Washington 25, D. C.

(b) Outside continental limits of United States. Transportation accounts pertaining to War Department bills of lading and transportation requests issued for service within the Panama Canal, Hawaiian, Philippine, or Antilles Departments, and in foreign countries will be paid by a disbursing officer in the department or area concerned.

(c) Officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty. Payment of transportation accounts for packing, crating, drayage, unpacking, uncrating, and shipment of authorized baggage (household goods), or reimbursement therefor, for officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty, will be made by the designated disbursing officer or agent of the service issuing the orders. (For example: Upon initial detail of a Navy officer (under Navy orders) to the Army, payment of transportation accounts will be made by the Navy. Upon future movements of this detailed Navy officer, including relief from duty with the Army (under Army orders), payment of transportation accounts will be made by the designated Army disbursing officer.) The amount will be chargeable to the appropriation of the service issuing the orders and no transfer of funds is neces-

(d) Civil functions fo the Corps of Engineers. Accounts covering transportation payable from appropriations for civil functions of the Corps of Engineers will be paid by district officers of the Corps of Engineers specially designated to settle the accounts for the specific project.

2. Amend paragraph (c) of § 305.23 to read as follows:

§ 305.23 To whom paid; responsibility and action in case of loss, destruction, or damage.

(c) Loss, destruction, or damage for which the carrier is held responsible will be deducted in making settlement for services.

3. Revoke § 305.24 as follows:

§ 305.24 Land-grant deductions. [Re-

4. Amend paragraph (b) of § 305.27 to read as follows:

§ 305.27 Payment on bills of lading.

(b) When original lost. Payment of transportation charges where the original bill of lading has been lost will be made on Standard Forms 1108 and 1108a (Certificate in Lieu of Lost U. S. Government Bill of Lading).

[AR 35-6120, Feb. 27, 1947] (R. S. 161; 5 U.S.C. 22)

[SEAL] EDWARD F. WITSELL, Major General, The Adjutant General.

[F. R. Doc. 47-3306; Filed, Apr. 7, 1947; 8:49 a. m.]

Chapter VII—Personnel

PART 709-PRESCRIBED SERVICE UNIFORM UNIFORM INSIGNIA

The following changes are made in Part 709:

1. Rescind § § 709.12 (f); 709.23 (c); 709.24 (b) (2) (xxy), (xxviii) and (xxix); 709.26 (b); 709.26a; 709.28 (a); 709.30c; 709.30d; 709.63 (i) and (x) and 709.64.

2. In § 709.24 paragraphs (b) (1), (b) (2) (iv), (b) (2) (vii), (b) (2) (xx) are amended and paragraph (c) is superseded by the following:

§ 709.24 Insignia for collar and lapel of coat.

(b) Other officers, warrant officers, and flight officers—(1) U.S. The block letters "U. S." 7/10 inch in height, each letter followed by a period.

(2) Insignia of arm, service and bureau.

(iv) Armor. A mark VIII tank, side view, 7/16 inch in height.

(vii) Chemical Corps. A benzene ring of cobalt blue enamel, superimposed in the center of crossed retorts, 1/2 inch in height and 13/16 inches over all.

(xx) Staff and Administrative Reserve. The coat of arms of the United States % inch in height within a ring ¾ inch in diameter.

(c) Enlisted men. A disk 1 inch in diameter.

(1) U. S. The block letters "U. S." on a plain solid circular background 1 inch in diameter.

(2) The insignia of arm, service, or bureau will consist of the design prescribed by (b) (2) above, of gold color on a plain solid circular background 1 inch in diameter.

3. In § 709.30 paragraph (f) amended and paragraphs (n) and (c) are added as follows:

§ 709.30 Brassards. * * * (f) Port personnel. The letters "TC" in golden yellow block letters 21/4 inches in height on a brick-red background.

(n) Bomb disposal personnel. A red conventionalized drop bomb fimbriated in yellow % inch in width by 2% inches in length on a black projectile point down 17/16 inches in width by 23/4 inches in length, all on a dark blue background.

(o) Official Army photographer. The words "Official U. S. Army Photographer" in golden orange letters within a black rectangle 11/4 inches in width and 234 inches in length with a 1/8 inch border of golden orange, all on a dark blue background.

4. In § 709.63 paragraphs (c), (f) and (w) are amended as follows:

§ 709.63 Colors of arms, services, bureau, etc.

(c) Armor. Green piped with white. *

(f) Chemical Corps. Cobalt blue piped with golden yellow.

(w) Staff and Administrative Reserve. Brown piped with golden yellow.

[AR 600-35, Mar. 31, 1944, as amended by W. D. Cir. 49, 21 Feb. 1947] (R. S. 1296; 10 U.S. C. 1391)

[SEAL]

EDWARD F. WITSELL, Major General, The Adjutant General.

[F. R. Doc. 47-3307; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II-Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 99]

PART 600-DESIGNATION OF CIVIL AIRWAYS REDESIGNATION OF CIVIL AIRWAYS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee;

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of

the Civil Aeronautics Act of 1938, as amended. I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airway No. 7; Red Civil Airways Nos. 6, 26, 50 and 61; Blue Civil Airways Nos. 39 and 47

1. By amending § 600,10006 so that the section, when amended, shall read as follows:

§ 600.10006 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska). From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the Galena, Alaska, radio range station, the intersection of the center lines of the on course signals of the east leg of the Galena, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

2. By amending § 600.10205 Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.), so that the section, when amended, shall read as follows:

§ 600.10205 Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.). From the intersection of the center lines of the on course signal of the northeast leg of the Las Vegas, Nev., radio range and the southwest leg of the St. George, Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; the Hanksville, Utah, VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Hanksville, Utah, VHF radio range and the southwest leg of the Grand Junction, Colo.. VHF radio range; the Grand Junction. Colo.. VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Grand Junction, Colo., VHF radio range and the southwest leg of the Eagle, Colo., VHF radio range, the Eagle, Colo., VHF radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Eagle, Colo., VHF radio range and the west leg of the Denver, Colo., VHF radio range to the Denver, Colo., VHF radio range station. From the Denver, Colo., radio range station via the Akron, Colo., radio range station; the Hayes Center, Nebr., radio range station; the Grand Island, Nebr., radio range station; and the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

3. By amending § 600.10249 so that the section, when amended, shall read as follows:

§ 600.10249 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska). From the intersection of the center lines of the on course signals of the east leg of the Galena, Alaska, radio range and the southwest leg of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Tanana, Alaska, radio range and the west leg of the Fairbanks, Alaska, radio range. From the Nenana, Alaska, radio range

station to the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the northeast leg of the Summit, Alaska, radio range.

4. By adding a new § 600.10260 to read as follows:

§ 600.10260 Red civil airway No. 61 (Pittsburgh, Pa., to Washington, D. C.). From the intersection of the center lines of the on course signals of the southeast leg of the Pittsburgh, Pa., radio range and the northwest leg of the Arcola, Va., radio range via the Arcola, Va., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Arcola, Va., radio range and the south leg of the Washington, D. C. radio range.

5. By amending § 600.10338 so that the section, when amended, shall read as follows:

§ 600.10338 Blue civil airway No. 39 (Knoxville, Tenn., to Syracuse, N. Y.). From the Tri-City, Tenn., radio range station via a point located at latitude 37°20' and longitude 81°52'40" to the Charleston, W. Va., radio range station. From the intersection of the center lines of the on course signals of the west leg of the Elkins, W. Va., radio range and the southwest leg of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Morgantown, W. Va., radio range and the east leg of the Pittsburgh, Pa., radio range. From the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the northeast leg of Pittsburgh, Pa., radio range via the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the southwest leg of the Elmira, N. Y., radio range; the Elmira, N. Y., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Elmira, N. Y. radio range and the south leg of the Syracuse, N. Y., radio

6. By adding a new § 600.10346 to read as follows:

§ 600.10346 Blue civil airway No. 47 (Martinsburg, W. Va., to Philipsburg, Pa.). From the intersection of the center lines of the on course signals of the southeast leg of the Pittsburgh, Pa., radio range and the south leg of the Altoona, Pa., radio range via the Altoona, Pa., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Altoona, Pa., radio range and the northeast leg of the Pittsburgh, Pa., radio range.

This amendment shall become effective 0001 e. s. t. April 7, 1947.

(Sec. 302, 52 Stat. 985, 54 Stat. 1233, 1235, 1236; 49 U.S.C. 452)

T. P. WRIGHT, [SEAT.] Administrator of Civil Aeronautics.

[F. R. Doc. 47-3324; Filed, Apr. 7, 1947; 8:53 a. m.]

[Amdt. 154]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas;

and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee:

And finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is im-

practicable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as

Redesignation of Airway Traffic Con-trol Areas: Red Civil Airways Nos. 6, 50, and 61; Blue Civil Airways Nos. 26, 39, and 47. Redesignation of Radio Fixes: Red Civil Airway No. 6

- 1. By amending § 601.10206 Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Grand Island, Nebr.) so that the section, when amended, shall read as follows:
- § 601.10206 Red civil airway No. 6 airway traffic control areas (Las Vegas, Nev., to Omaha, Nebr.). All of Red civil airway No. 6 from 25 miles west of Grand Junction, Colo., to Omaha, Nebr.
- 2. By amending § 601.10250 so that the section, when amended, shall read as follows:
- § 601.10250 Red civil airway No. 50 airway traffic control areas (Galena, Alaska, to Fairbanks, Alaska). All of Red civil airway No. 50 between the Nenana, Alaska, radio range station and the intersection of the center lines of the on course signals of the southeast leg of the Nenana, Alaska, radio range and the northeast leg of the Summit, Alaska, radio range.
- 3. By adding a new § 601.10261 to read as follows:
- § 601.10261 Red civil airway No. 61 airway traffic control areas (Pittsburgh, Pa., to Washington, D. C.). All of Red civil airway No. 61.
- 4. By amending § 601.10326 so that the section, when amended, shall read as follows:

§ 601.10326 Blue civil airway No. 26 airway traffic control areas (Anchorage, Alaska, to Fairbanks, Alaska). From the Anchorage, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles southwest of the Summit, Alaska, radio range station and from the intersection of the center lines of the on course signals of the northeast leg of the Summit, Alaska, radio range and the southeast leg of the Nenana, Alaska, radio range to the Fairbanks, Alaska, radio range station.

5. By amending § 601.10339 so that the section, when amended, shall read as follows:

§ 601.10339 Blue civil airway No. 39 airway traffic control areas (Knoxville, Tenn., to Syracuse, N. Y.). All of Blue civil airway No. 39 from the Tri-City, Tenn., radio range station to a line extended at right angles across such airway through a point twenty-five miles northeast of the Tri-City, Tenn., radio range station: from a line extended at right angles across such airway through a point twenty-five miles south of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station; from the center lines of the on course signals of the west leg of the Elkins, W. Va., radio range and the southwest leg of the Morgantown, Pa., radio range to the intersection of the center lines of the on course signals of the northeast leg of the Elmira, N. Y., radio range and the south leg of the Syracuse, N. Y., radio range.

- 6. By adding a new § 601.10347 to read as follows:
- § 601.10347 Blue civil airway No. 47 airway traffic control areas (Martinsburg, W. Va., to Philipsburg, Pa.). All of Blue civil airway No. 47.
- 7. By deleting from § 601.2002 the following:

New Orleans, La New Orleans Airport.

- 8. Section 601.3000 Airport traffic zones within three mile radius is amended, by deleting the following:
- Lake Charles, La .____ Lake Charles AAF.
- 9. Section 601.3001 Airport traffic zones within a five mile radius is amended by deleting the following:

New Orleans, La_____ Moisant Field.

- 10. By amending § 601.3002074 so that the section, when amended, shall read as
- § 601.3002074 Springfield, Mo., Airport traffic zone. Within a 5 mile radius of the Springfield, Mo., Municipal Airport and within two miles either side of the center line of the southeast and northwest courses of the Springfield radio range, extending ten miles northwest of the radio range station,
- 11. By amending § 601.40206 Red civil airway No. 6 (Las Vegas, Nev., to Grand Island, Nebr.) so that the section, when amended, shall read as follows:

§ 601.40206 Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.) St. George, Utah, VHF radio range station; Hanksville, Utah, VHF radio range station; Eagle, Colo., VHF radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station; Lincoln, Nebr., radio range station.

This amendment shall become effective 0001 e. s. t. April 7, 1947.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U.S. C. 458.)

[SEAT.] T P WRIGHT Administrator of Civil Aeronautics.

[F. R. Doc. 47-3325; Filed, Apr. 7, 1947; 8:53 a. m.]

PART 651-PROCEDURE OF THE CIVIL AERONAUTICS ADMINISTRATION

Acting pursuant to the authority vested in me by section 6 (c) of the Air Commerce Act of 1926 (44 Stat. 568-576, as amended 45 Stat. 933), the Civil Aeronautics Act of 1938, as amended (52 Stat. 977-1030, 54 Stat. 1233, 1235, 1236), and in accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.), I hereby amend Part 651, Procedure of the Civil Aeronautics Administration, as follows:

1. By amending § 651.31 (f) (11 F. R.

177A-321) to read as follows:

§ 651.31 Aircraft certificates. * * * (f) Foreign aircraft permit (Form ACA 1452). This certificate authorizes flight in the United States, its territories, and posessions (except the Canal Zone), of foreign aircraft with foreign markings.

(1) Application. Application is made on Form ACA 776A, "Application for Foreign Civil Aircraft Flight Permit," which requires identification of the owner and evidence of his citizenship, identification and markings of the aircraft, requested itinerary, estimated duration of flight in the United States, and an indication as to whether certain equipment is installed or carried in the aircraft. form is obtained from and submitted to the Regional or District Office of the Administration which is nearest to the port of entry.

(Sec. 6 (c), 44 Stat. 568-576, 45 Stat. 933, 52 Stat. 977-1030, 54 Stat. 1233, 1235, 1236, 60 Stat. 237, Pub. Law 404, 79th Cong., 49 U. S. C. 401)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

T. P. WRIGHT. Administrator of Civil Aeronautics.

[F. R. Doc. 47-3339; Filed, Apr. 7, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Chapter III-Bureau of Foreign and **Domestic Commerce, Department of** Commerce

PART 330-GENERAL ORGANIZATION AND FUNCTIONS

PART 331-FUNCTIONS OF DIVISIONS

OFFICE OF DOMESTIC COMMERCE; AREA DEVELOPMENT DIVISION

1. Section 330.2 General purpose and functions (11 F. R. 177A-307) is amended by deleting paragraph (c) and the word "and" immediately preceding it, and by adding new paragraphs (c) and (d) as follows:

(c) Maintaining close contact with trade associations and other groups rep-

resenting industry, and (d) Assembling, developing, and issuing basic information for regional and community development purposes and cooperating with planning organizations in the utilization of such information and techniques in promoting the economic development of various regions and areas.

2. Section 330.3. General organization is amended by deleting the word "and" before paragraph (f) and adding the following after (f): "and (g) Area Development Division."

3. Part 331 (11 F. R. 177 A-307) is amended by adding the following new

section:

§ 331.7 Area Development Division. The objective of the Area Development Division is to make the data, facilities and services of the Department of Commerce effective and useful in the economic development of communities, areas and regions. The basic function of the Division is to assist, largely through the Department Field Service, state and regional planning agencies in organizing and carrying out development programs for local areas. The Area Development Division represents the Department on the Inter-agency Committee for Special Employment Problems, maintaining liaison between the Department and the members of that committee. The Division secures information and assistance from the other offices of the Department that may be required in projects where the Department is cooperating in the devlopment of local action programs; and coordinates all of the Department's activities as they relate to area and regional development.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL]

H. B. McCoy, Director,

Office of Domestic Commerce.

[F. R. Doc. 47-3309; Filed, Apr. 7, 1947; 8:50 a. m.]

PART 354-MAJOR ACTIVITIES

FIELD SERVICE; AREA DEVELOPMENT

Section 354.3 is amended to read as follows:

§ 354.3 Area development. The area development function is carried on in the field by four special assistants to the Director of the Field Service, who are stationed at San Francisco, Chicago, Philadelphia, and Atlanta, and have responsibility for the regions and districts designated below:

San Francisco----San Francisco. Los Angeles. Seattle. Denver. Portland.

Chicago Chicago. Minneapolis. Kansas City. St. Louis. Atlanta. Dallas. Philadelphia..... Philadelphia. New York. Boston.

The area development specialists are responsible for the coordination of the activities of the Department in connection with area development in the regions assigned to them; for working with local, state, and regional planning agencies in the development of plans and projects for area development; and for making available in their areas the services of the Department in connection with area development and generally supervising the area development operations in their regions.

(Sec. 3, Pub. Law 404, 79th Cong., 60 Stat. 237)

[SEAL] CARLTON HAYWARD, Director of the Field Service.

[F. R. Doc. 47-3308; Filed, Apr. 7, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI-Federal Public Housing Authority

PART 611-LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: POLICY

MISCELLANEOUS AMENDMENTS

1. Section 611.1 (11 F. R. 177A-910) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding thereto paragraphs (d), (e), (f), and (g) as follows:

§ 611.1 Definition of terms. * * *

(d) Veteran. A veteran shall mean a person who has served in the military or naval forces of the U.S. for any period of time on or after September 16, 1940, and prior to the termination of the present war (a date yet to be determined) and who has been discharged or released therefrom under conditions other than dishonorable.

(e) Serviceman. A serviceman shall mean a person serving in the military or naval forces of the U.S., who served therein on or after September 16, 1940, and prior to the termination of the present war (a date yet to be determined)

(f) Military or Naval Forces. The term military or naval forces of the U.S. shall mean the Army, Navy, Marine Corps, Coast Guard and, since July 29, 1945, the commissioned corps of the U.S. Public Health Service. The term military or naval forces does not include the

Merchant Marine, Red Cross or UNRRA.

(g) Families of Veterans and Servicemen. A group of persons which constitutes a "family" in accordance with the definition of the term given in section 404 (a) of FPHA Requirements may be considered the family of a veteran or serviceman for waiver and preference purposes under the following circumstances:

(1) The veteran or serviceman is living with the family, irrespective of whether the veteran or serviceman is or is not the family head.

(2) The veteran or serviceman is the natural family head or principal wage earner but is temporarily absent from home by reason of a duty assignment, employment or school attendance in another locality, or hospitalization.

(3) The veteran or serviceman, a natural family head, is deceased (during or subsequent to military or naval service), or is permanently absent from his family by reason of divorce, separation, desertion, or permanent hospitalization. (The remarriage of a divorced spouse or a surviving spouse of a deceased veteran or serviceman shall terminate status as his family.)

2. Part 611 is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding thereto § 611.8 as follows:

§ 611.8 Admission of families of veterans and servicemen to FPHA directly operated low-rent housing projects-(a) Preference for families of veterans and servicemen. It is the policy of the FPHA that among eligible families, within each income grade, first preference in admission to FPHA directly operated low-rent projects shall be given to families of veterans and servicemen (as defined in § 611.1) where application for admission is made not later than July 1, 1950.

(b) Elimination of previous substandard housing requirement. The requirement that families shall have been living under unsafe and insanitary housing conditions immediately prior to admission is not applicable to families of veterans and servicemen (as defined in § 611.1) where application for admission is made not later than July 1, 1950.

(Sec. 201, 48 Stat. 195, sec. 201, 54 Stat. 676; 40 U. S. C. 401, 42 U. S. C. 1501)

Approved: April 1, 1947.

[SEAL]

D. S. MYER, Commissioner.

[F. R. Doc. 47-3303; Filed, Apr. 7, 1947; 8:48 a. m.]

TITLE 32-NATIONAL DEFENSE Chapter VI-Selective Service System

SELECTIVE SERVICE REGULATIONS

NOTICE OF EXPIRATION

Pursuant to the provisions of § 2.21 (b), Federal Register Regulations (11 F. R. 9837), and by reason of the expiration of the Selective Training and Service Act of 1940, as amended, at twelve o'clock postmeridian March 31, 1947, notice is hereby given that all Selective Service Regulations, Local Board Memoranda, State Director Advices, Camp Orders, Operation Orders, Orders Prescribing Forms, and other orders filed with and published in the FEDERAL REGISTER in Title 32, National Defense, Chapter VI. Selective Service System, expired by operation of law at twelve o'clock postmeridian March 31, 1947.

> LEWIS B. HERSHEY, Director.

APRIL 2, 1947.

[F. R. Doc. 47-3318; Filed, Apr. 7, 1947; 8:49 a. m.]

Chapter VI—Office of Selective Service Records

REVISION OF CHAPTER

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, regulations governing the administration of said act are hereby prescribed, such regulations to be known as the Office of Selective Service Records Regulations:

PART 602-DEFINITIONS

602.1 Definitions to govern. 602.2 Director.

602.2 Director. 602.3 Governor.

602.4 Military. 602.5 Registrant.

602.6 Selective Service Records Law. 602.7 Singular and plural.

602.8 State.

602.8 State.

AUTHORITY: §§ 602.1 to 602.8, inclusive, issued under Pub. Law 26, 80th Cong.

§ 602.1 Definitions to govern. The definitions contained in this part shall govern in the interpretation of the Office of Selective Service Records Regulations.

§ 602.2 Director. The word "Director" means the Director of the Office of Selective Service Records.

§ 602.3 Governor. The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Governor of Puerto Rico, the Commissioners of the District of Columbia, and the Governor of the Virgin Islands of the United States.

§ 602.4 Military. The term "military" includes the Army, the Navy, and the Marine Corps, except where such construction would be unreasonable.

§ 602.5 Registrant. A "registrant" is a person who registered under the provisions of the Selective Training and Service Act of 1940, as amended.

§ 602.6 Selective service records law. The term "selective service records law" includes Public Law 26, 80th Congress, approved March 31, 1947, and all rules and regulations issued thereunder.

§ 602.7 Singular and plural. Words importing the singular number shall include the plural, and vice versa, except where such construction would be unreasonable.

§ 602.8 State. The word "State" includes, where applicable, the several States of the United States, the City of New York, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands of the United States.

PART 603—OFFICE OF SELECTIVE SERVICE RECORDS PERSONNEL

603.1 Citizenship.

603.2 Voluntary services.

603.3 Uncompensated services.

603.4 Oath of office and waiver of pay or compensation.

603.5 Termination of appointment of uncompensated personnel.

No. 69-2

603.6 Removal of uncompensated personnel.
603.7 Suspension of uncompensated personnel.

603.8 Vacaneles.

603.9 Personnel transferred from the Selective Service System.

AUTHORITY: §§ 603.1 to 603.9, inclusive, issued under Pub. Law 26, 80th Cong.

§ 603.1 Citizenship. No person shall be appointed to any position in the Office of Selective Service Records who is not a citizen of the United States.

§ 603.2 Voluntary services. Voluntary services in the administration of the selective service records law may be accepted.

§ 603.3 Uncompensated services. The services of all persons volunteering their services to assist in the administration of the selective service records law shall be uncompensated, and no such person shall accept remuneration from any source for services rendered in connection with selective service records law matters.

§ 603.4 Oath of office and waiver of pay or compensation. (a) Every person who undertakes to render voluntary uncompensated service in the administration of the selective service records law shall, before he enters upon his duties, execute an oath of office and waiver of pay or compensation on a form prescribed by the Director.

(b) Every person who undertakes to render compensated service in the administration of the selective service records law shall, before he enters upon his duties, execute an oath of office on a form prescribed by the Director.

(c) When executed in the manner provided in this section, the oaths of office and waivers of pay or compensation shall be filed with the Director.

§ 603.5 Termination of appointment of uncompensated personnel. The appointment of any person rendering voluntary uncompensated service in the Administration of the selective service records law may be terminated by resignation, transfer, death or removal.

§ 603.6 Removal of uncompensated personnel. Any person rendering voluntary uncompensated service in the administration of the selective service records law may be removed by the Director

§ 603.7 Suspension of uncompensated personnel. The Director may suspend any person rendering voluntary uncompensated service in the administration of the selective service records law, pending his consideration of the advisability of removing any such person. During the period that such person is suspended, he shall be disqualified to act in his official capacity.

§ 603.8 Vacancies. Vacancies shall be filled by an appointment made in the same manner as in the case of an original appointment.

§ 603.9 Personnel transferred from the Selective Service System. All officers and employees of the Selective Service System transferred to the Office of Selective Service Records by the selective service records law shall continue in the offices or positions held at the time of such transfer so long as they are needed in the liquidation of the Selective Service System. They shall continue to perform such duties of these offices and positions as may be necessary in liquidating the Selective Service System, and shall perform such other duties and functions as may be prescribed by the Director.

PART 604—OFFICE OF SELECTIVE SERVICE RECORDS OFFICERS

Sec.

604.1 Director of the Office of Selective Service Records.

604.2 Governor.

604.3 State Director of Selective Service.
604.4 State Director of the Office of Selective
Service Records.

604.5 Channel of communication.

AUTHORITY: §§ 604.1 to 604.5, inclusive, issued under Pub. Law 26, 80th Cong.

§ 604.1 Director of the Office of Selective Service Records. The Director of the Office of Selective Service Records is authorized by the selective service records law:

 (a) To prescribe the necessary rules and regulations to carry out the provisions of the selective service records law;

(b) To create and establish Federal record depots in the several States, the District of Columbia, Territories and possessions of the United States, and to maintain such other offices as may be necessary for the purposes of the selective service records law;

(c) To utilize the agencies of the Federal Government with the consent of the heads thereof, and to accept the services of all officers and agents of the several States, the District of Columbia, Territories and possessions of the United States, and subdivisions thereof in the execution of the selective service records law:

(d) To appoint and fix the compensation of such officers and employees (not to exceed 1,200 in number by November 1, 1947), as may be necessary for the purposes of the selective service records law, with or without regard in individual cases to the Classification Act of 1923, as amended: *Provided*, That the compensation of such persons shall not be in excess of that provision in said act.

(e) To delegate and provide for the delegation of any authority vested in him under the selective service records law, to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

§ 604.2 Governor. The Governor shall have charge of the administration of selective service planning in his State. He is authorized to delegate this function to the State Adjutant General, or to such other person as he may designate. The person to whom this function is delegated shall be responsible for formulating and maintaining the State plan for the procurement and allotment of manpower in the event of a national emergency, and may use the State staff and

such other agencies as are available for the development of such planning.

§ 604.3 State Director of Selective Service. The State Director of Selective Service shall have charge of the liquidation of the Selective Service System in his State. Upon completion of this liquidation, the appointment of the State Director of Selective Service shall be terminated by the Director.

§ 604.4 State Director of the Office of Selective Service Records. The Director shall appoint for each State a State Director of the Office of Selective Service Records who shall be charged with the custody, security, preservation, and servicing of Selective Service records of the State. He shall also be responsible for the administration of the Federal records depot within the State and for the storage of Selective Service records therein in such a manner as to provide ready access to individual records, and the inspection thereof by authorized persons. When requested, he will assist the State Adjutant General, or other designated person, with the State plan for manpower procurement.

§ 604.5 Channel of communication. When it is necessary for the State Director of the Office of Selective Service Records or his assistants to communicate with the Governor, such communication will be had through the State Adjutant General, or other person designated to be responsible for the State plan for manpower procurement.

PART 605-CIVILIAN EMPLOYEES

Sec.

605.1 Appointment and tenure.

605.2 Fixing compensation.

605.3 Termination of employment during liquidation of the Selective Service System.

AUTHORITY: §§ 605.1 to 605.3, inclusive, issued under Pub. Law 26, 80th Cong.

§ 605.1 Appointment and tenure. (a) The Director shall determine the number and the duties of compensated civilian employees to be employed in the Office of Selective Service Records, both departmental and field, and shall designate appointing officers to employ individuals approved by him, or pursuant to his directions, to fill such positions.

(b) All civilian employees engaged in the administration of the Selective Service Records Law who receive compensation from the United States, including temporary, intermittent and part-time employees, shall be employed and separated from employment in accordance with the Federal Civil Service law, the rules and regulations of the United States Civil Service Commission and other Federal statutes relating to Federal civilian employment.

§ 605.2 Fixing compensation. The compensation of civilian employees of the Office of Selective Service Records shall be fixed by the Director, but shall not be in excess of that provided by the Classification Act of 1923, as amended.

§ 605.3 Termination of employment during liquidation of the Selective Service System. During the time the Selective Service System is being liquidated, authority is delegated to the State Director of Selective Service to terminate the employment of local board employees, local board group employees, appeal board employees, employees of medical advisory boards, and State Headquarters' employees, in accordance with the reduction in force regulations of the United States Civil Service Commission and instructions issued by the Director.

PART 606-GENERAL ADMINISTRATION

Sec.
606.1 Administration of oaths generally.
606.2 Records to be maintained.
606.3 Protection of records.

606.4 What records confidential. 606.5 Information not confidential as to

certain persons,
606.6 Waiver of confidential nature of information.

606.7 Subpoena of records.

606.8 Court records, when information not confidential.

606.9 Military service, when information not confidential.

606.10 "Disclose," "furnish," and "examined" defined.

606.11 Searching or handling records, 606.12 Furnishing lists of registrants, 606.13 Forms made part of regulations,

AUTHORITY: §§ 606.1 to 606.13, inclusive, issued under Pub. Law 26, 80th Cong.

§ 606.1 Administration of oaths generally. (a) Unless a specified person is designated to administer an oath required under the provisions of the regulations in this chapter any civil officer authorized to administer oaths generally, any commissioned officer of the land or naval forces assigned for duty with the Office of Selective Service Records, any postmaster, acting postmaster, or assistant postmaster may administer such oath.

(b) No fee or charge shall be made for the administration of oaths in the execution of the selective service records law.

§ 606.2 Records to be maintained.
(a) In addition to all other records required by the regulations in this chapter to be kept by selective service records agencies, each such agency shall keep a full set of Selective Service Records Regulations and such forms as pertain to its functions. All such agencies shall be required to keep up, day by day, amendments, orders, changes, and all other pertinent information published by the Director.

(b) Each selective service records agency shall retain all correspondence received and a copy of all correspondence sent in its files until authorization for its disposition is received from the Director.

§ 606.3 Protection of records. Selective service records agencies shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted

or delivered in his files in the place from which the record was withdrawn.

§ 606.4 What records confidential. Except as provided in the regulations in this chapter the information in a registrant's file shall be confidential.

§ 606.5 Information not confidential as to certain persons. No information in a registrant's file shall be confidential as to the persons designated in this section, and any information may be disclosed or furnished to or examined by such persons, namely:

(a) The registrant, or any person having written authority from the

registrant.

(b) All personnel of the Office of Selective Service Records while engaged in the administration of the selective service records law.

(c) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau

of Investigation.

(d) Personnel of the Counter Intelligence Corps, United States Army, but only when proper identification and credentials are presented.

(e) Any other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent specifically authorized in writing by the Director.

§ 606.6 Waiver of confidential nature of information. The making or filing by or on behalf of a registrant of a claim or action for damage against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall be a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced and published in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 606.7 Subpoena of records. In the prosecution of a registrant or any other person for a violation of the Selective Training and Service Act of 1940 or any amendment thereof, or the selective service records laws, or any regulations issued under either of said laws, or any orders or directions made pursuant to any such acts or regulations, all records of the registrant may be produced and published in response to the subpoena or summons of the court in which such prosecution is pending.

§ 606.8 Court records when information not confidential. Information concerning the court record of a registrant may be disclosed or furnished to or examined by peace officers of the United States and the several States and subdivisions thereof, judges and officers of courts of the United States and the several States and subdivisions thereof, and proper representatives of the armed forces. Information so given shall not be confidential as to such persons.

§ 606.9 Military service; when information not confidential. Information relating to previous military service shall not be confidential as to proper representatives of the armed forces and may be disclosed or furnished to or examined

§ 606.10 "Disclose," "furnish," and "examine" defined. When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:
(a) "Disclose" shall mean a verbal or

written statement concerning any such

record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the custodian thereof.

§ 606.11 Searching or handling records. Except as specifically provided in the regulations in this chapter or by written authority of the Director, no person shall be entitled to search or handle any record.

§ 606.12 Furnishing lists of registrants. Lists of registrants may be prepared or furnished only in accordance with written instructions from the Director.

§ 606.13 Forms made part of regulations. All forms and revisions thereof referred to in these or any new or additional regulations, or in any amendment to these or such new or additional regulations hereafter adopted, and all forms and revisions thereof hereafter prescribed by the Director shall be and become a part of the regulations in this chapter in the same manner as if each form, each provision therein, and each revision thereof were set forth herein in full.

PART 607—FINANCE ADMINISTRATION

607.1 The Director may authorize expenditures

Chief of Finance, United States Army, fiscal, disbursing and accounting

AUTHORITY: §§ 607.1 and 607.2 issued under Pub. Law 26, 80th Cong.

§ 607.1 The Director may authorize expenditures. The Director may authorize such lawful expenditures as he deems necessary in the administration of the selective service records law.

§ 607.2 Chief of Finance, United States Army, fiscal, disbursing, and ac-

counting agent. The Chief of Finance, United States Army, is designated as the fiscal, disbursing, and accounting agent of the Director. Disbursement of funds for the Office of Selective Service Records shall be made by the Chief of Finance, upon properly certified vouchers, through designated finance officers.

The foregoing Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAT.] LEWIS B. HERSHEY, Director.

APRIL 2, 1947.

[F. R. Doc. 47-3319; Filed, Apr. 7, 1947; 8:49 a. m.1

Chapter IX-Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R.

PART 1010-SUSPENSION ORDERS

REVOCATIONS; LIST NO. 8

In view of the expiration of certain emergency controls and war powers as contained in the Second War Powers Act of 1942, Title 3, as amended March 31, 1947, the Chief Compliance Commissioner has directed that the suspension orders hereinafter listed be revoked forthwith.

It is therefore hereby ordered that the following suspension orders be revoked, effective April 7, 1947: Provided, however, That this revocation does not affect any liabilities incurred for violations of the suspension orders prior to revocation.

- § 1010.137 S-137 International Edge Tool Company, Inc.
- § 1010.967 S-967 M. DeMatteo Construction Company
- § 1010.1097 S-1097 Hoffman Lithographing

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION. By J. JOSEPH WHELAN, Recording Secretary

[F. R. Doc. 47-3398; Filed, Apr. 7, 1947; 11:51 a. m.]

PART 1-CRUDE MATERIALS

PART 3294-IRON AND STEEL PRODUCTION [General Preference Order M-21, Revocation of Direction 101

USE AND EFFECT OF SYMBOL CXS ON CER-TAIN ORDERS FOR SELECTED STEEL PROD-

Direction 10 to General Preference Order M-21 is revoked. This revocation does not affect any liabilities incurred for violations of the Direction, or for violation of actions taken by the Civilian Production Administration under it. Direction 10 to Order M-21 is super-seded by Direction 1 to Allocations Regulation 2, and certificates for tinplate authorized under such Direction 10 have the same force and effect under such Direction 1 as if authorized under it, and are not revoked by this revocation of Direction 10.

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION ADMINISTRATION. By J. JOSEPH WHELAN. Recording Secretary.

[F. R. Doc. 47-3396; Filed, Apr. 7, 1947; 11:51 a. m.]

Chapter XXIII-War Assets Administration

[Reg. 1,1 Order 1]

PART 8301-DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TER-RITORIES AND POSSESSIONS

ASSIGNMENT OF SURPLUS PROPERTY

War Assets Administration Regulation 1, Order 1, July 19, 1946, amended December 31, 1946, entitled "Assignment of Surplus Property" (11 F. R. 7973, 12 F. R. 100), is hereby revised and amended as herein set forth. Accordingly, it is hereby ordered that:

§ 8301.51 Assignment of surplus property. There is hereby assigned to the Government disposal agencies named below such items or types of surplus property located in the continental United States as are listed under the name of each agency. The items or types of surplus property listed below under the name of each disposal agency are included within the class of surplus property assigned to each agency for disposal in this part. The code numbers used herein are those of the Standard Commodity Classification (U. S. Government Printing Office), to Volume I of which reference must be made for a complete list of the items or types of surplus property assigned by means of the code number.

Maritime Commission War Assets Administration Agriculture 01 Live animals, other than food animals 01 Live animals, except nonfood animals such as horses, dogs, furbearing animals, etc. 02 Crude animal products, edible. 63 Crude animal products, inedible, except fibres. Crude vegetable products, edible. Crude vegetable products, inedible, except fibers (except as indicated). 05-5 Crude rubber and allied gums. 05-628 Lac ¹ Reg. 1, Issued March 25, 1947.

PART 1-CRUDE MATERIALS-Continued

War Assets Administration	Agriculture	Maritime Commission
15-7 Crude medicinal herbs, roots, barks, and other plant parts, except U. S. P., N. F. and similar grades, and except the following: 05-7143 Coca leaves. Marihuana leaves classified under 05-7149. 05-93 Crude cork. 15-94 Loofs sponges. 05 Fibers, vegetable and animal, unmanufactured (except as indicated). 167 Coal, crude petroleum, and related crude hydrocarbons. 188 Metallic ores, tailings, concentrates and their unrefined metallic products. 199 Crude nonmetallic minerals, except coal and petroleum.	06-1 Cotton. 06-5 Wool and related specialty hair, umanufactured (for wool and mo- hair, domestic production only). 06-22 Flax (only domestic production), 06-23 Hemp (cannabis sativa).	
Part 2—Basic	MATERIALS AND PRODUCTS	dimension of the bit.
11 Leather. 12 Boot and shoe cut stock and shoe findings. 13 Wood basic materials, except pulpwood. 14 Pulp, paper and paper board. 15 Textile basic manufactures. 16-52 Industrial molasses. 17-5 Essential oils (packaged as veterinary or m. g.). 17-6 Floral absolutes, concretes and mixtures of essential and floral oils. 17-7 Waxes, animal and vegetable. 17-901 Mixtures of animal, vegetable, fish oils, waxes, with or without mineral oils, with or without other substances. 18 Petroleum and coal products except raw materials for chemical industries. 19 Chemicals (except as indicated).	16 Food and beverage basic materials (except as indicated). 17 Oils, fats, waxes, and derivatives, animal and vegetable (except as indicated). 19-271 Rosins. 19-272 Turpentine, crude (includes distilled products, except m. g.). 19-274 Pine oil, natural.	
I Iron, and iron and steel scrap.	19-276 Pine tar.	E LOUIS DE LOUIS DES LA PROPERTIE DE LA PROPER
Steel. Ferro and nonferrous additive alloys. Nonferrous metals. Fabricated metal basic products. Nonmetallic mineral basic products—chiefly structural. Nonmetallic mineral basic products—chiefly nonstructural. Miscellaneous basic materials.		
PART	3—END PRODUCTS	
General purpose industrial machinery and equipment. Electrical machinery and apparatus. Special industry machinery. Metal working machinery. Agricultural machinery and implements. Construction, mining, excavating and related machinery. Tractors. Miscellaneous machinery. Communications equipment and electronic devices. Aircraft. Construction, mining, excavating and related machinery. Tractors. Miscellaneous machinery. Communications equipment and electronic devices. Aircraft. Aircraft.		43 Ships, small watercraft, and marine propsion machinery, including 43-29 landicraft and vessels only (except as furth indicated under War Assets Administration), and except: 43-21 battleships, 43-22 cruisers, 43-23 aircraft carriers, 43-24 destroyers, 43-25 submarines, 43-271 eagles only, and 43-279 frigates only Navy Department 43-271 Gunboats (eagles only). 43-279 Patrol vessels not otherwise classific (frigates only).

PART 3-END PRODUCTS-Continued

War Assets Administration	Agriculture	Maritime Commission
War Assets Administration Professional and scientific instruments and apparatus. Miscellaneous equipment. Drugs and medicine (except as indicated) and except the following: 65-2120 through 65-2129. Coca alkaloids, derivatives and preparations, m. g. 65-2150 through 65-2159. Opium alkaloids, derivatives and preparations, m. g. 65-2222 through 65-2229. Opium, opium processed and preparations, m. g. 65-3203 through 65-32039. Cannabis, dried flowering top and preparations, m. g., (Marihuans, dried flowering top, and preparations, m. g.). 65-7000 through 65-7970. Prescription pharmaceuticals and preparations containing two or more therapeutic agents, m. g., when they contain any quantity of opium, coca leaves, cannabis or their derivatives, including, but not limited to, the following items: 65-7161-1 Powder of ipecac and opium m. g. 65-7161-2 Epinenhrips and cocaine, m. g.	61 Food, manufactured, 62 Feed, manufactured. 63 Beverages and ice. 64 Tobacco manufactures. 65-481 Marine liver oils, derivatives, and preparations, except marine liver oil concentrates in solution, m. g. 65-68 Vitamins, vitamin-active com- pounds and preparations con- taining one and more than one vitamin, m. g	Maritime Commission
65-7161-2 Epinephrine and cocaine, m. g. 65-7250-2 Compound mixture of opium and glycyrrhiza, m. g. (Brown mixture). 65-7271-143 Elixir of terpine hydrate and codeine, m. g. 65-7271-601 Camphorated tincture of opium, m. g. 65-7960-6 Dilaudid hydrochloride suppositories, m. g. 65-8000 through 65-8290 Proprietary remedies, nonprescription and pharmaceuticals, containing two or more medicinal agents, for human and animal use, m. g. when they contain any quantity of opium, coca leaves, cannabis or their derivatives. Tolletries, cosmetics, soap, and household chemical preparations. Apparel, except footwear.		
Fabricated textile products, except apparel. End products of leather, except apparel, footwear, and luggage. Converted paper products and pulp goods. Products of printing and publishing industries. Rubber end products. End products of metal industries, Finished wood products, except furniture and mill work. End products of glass, clay, and stone. Miscellaneous end products of manufacturing industries. Small arms and components. Artillery, naval guns, mortars and components.		
3 Small arms ammunition and specifically adapted components, 4 Artillery, naval, and mortar ammunition and specifically adapted components. 5 Aerial bombs and specifically adapted components. 6 Miscellaneous ammunition and related products. 7 Common components of ammunition, 8 Fire control equipment, 9 Miscellaneous ordnance and ordnance material,		

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689, (11 F. R. 1265))

This section shall become effective April 5, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

APRIL 2, 1947.

[F. R. Doc. 47-3393; Filed, Apr. 7, 1947; 11:34 a. m.]

TITLE 43—PUBLIC LANDS:

Subtitle A—Office of the Secretary of the Interior

[Order 2307]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

Subparagraph (42) of paragraph (a) of § 4.275 (Order No. 2277, dated Nov. 20, 1946, 11 F. R. 13970) is amended by adding thereto, the following: "and the renewal of any such contract."

(R. S. 161; 5 U. S. C. 22)

[SEAL] WARNER W. GARDNER,
Assistant Secretary of the Interior.

[F. R. Doc. 47-3299; Filed, Apr. 7, 1947; 8: 47 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE
DELEGATION OF AUTHORITY

CROSS-REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75–50.81, see Part 4 under Subtitle A of this title, supra, authorizing the Director of the Bureau of Land Management to renew contracts for certain sales of timber.

Subchapter A-Alaska

[Circular 1644]

PART 50—ORGANIZATION AND PROCEDURE
PART 79—TIMBER

SALE OF TIMBER FOR EXPORTATION FROM ALASKA

1. The regulations for the sale of timber for exportation from Alaska contained in 43 CFR 79.35 to 79.44, inclusive, are amended as follows:

a. The third sentence in § 79.37 Large Quantity Sales, is amended by substituting the words "Provided, however, That if operations have not been commenced within three years from the date of the execution of the contract the Secretary of the Interior, upon a satisfactory showing, may in his discretion excuse the delay" for the words "and each contract shall contain a provision that all rights acquired thereunder shall be forfeited if operations have not been

commenced within 3 years from the date of execution of the contract, unless, upon satisfactory showing the Secretary of the Interior shall, in his discretion, excuse the delay."

b. Sections 79.39, 79.40 and 79.41 are amended to read as follows:

Publication and posting; § 79.39 marking of land. Immediately upon the filing of an application to purchase timber under § 79.37 a notice shall be published at the expense of the applicant in a newspaper designated by the manager, published in the vicinity of the land from which the timber is to be cut and most likely to give notice to the general public, once a week for a period of five consecutive weeks, in accordance with § 106.18 of this chapter. The description of the land in the notice must be identical with the description in the application. The manager will post a copy of said notice in a conspicuous place in his office during the period of publication. Upon the execution of a contract, the purchaser shall, if the lands from which the timber is to be cut are unsurveyed, cause the boundaries to be blazed or otherwise marked as provided in the contract. This requirement has been adopted in order that others who may subsequently desire to purchase timber or to settle upon or enter the land may have notice that the timber has been applied for.

§ 79.40 Action by manager on application; field report and appraisal neces-

sary. The manager will make appropriate notations upon the records of his office and transmit the application to the Director of the Bureau of Land Management, and at the same time transmit the duplicate to the Regional Administrator at Anchorage, Alaska, or to an examiner located in the particular land district who shall have been designated by the Regional Administrator to make appraisals. Upon receipt of the application the Regional Administrator or his representative will without delay cause the timber applied for to be examined and appraised. The appraisal rates will be based upon a fair stumpage rate taking into consideration the quality of the timber and its accessibility to market. In no event will any timber suitable for manufacturing purposes be appraised at less than \$1 per thousand feet, board measure. After an examination and appraisal has been made the Regional Administrator will at once submit his report and recommendation to the Director of the Bureau of Land Management, together with a statement of facts showing whether such sale would endanger the supply of timber for local use. The Government reserves the right to reappraise the remaining standing timber at the expiration of 5 years from the date of commencement of the timber cutting period as set forth in § 79.37 and at intervals of 5 years thereafter, but in no instance shall the appraisal be at more than double the rate of the original appraisal.

§ 79.41 Execution of contract; bond required. Upon receipt of a report that such sale appears warranted, the Director of the Bureau of Land Management, if he agrees, will offer the timber for sale by competitive bidding in such newspapers and publications and for such period of time as he may designate. The successful bidder will be notified that he will be allowed 30 days from receipt of such notice within which to enter into a contract with the Government through the Director of the Bureau of Land Management as its agent to purchase the timber

offered for sale pursuant to the rules and regulations of the Department of the Interior pertaining thereto, and shall execute and file therewith a bond in a sum not less than 50 percent of the stumpage value of the estimated amount of timber to be cut during each year of the contract. The said bond must have as surety a bonding company shown on an approved list issued by the Treasury Department, and it shall be conditioned on the payment for the timber in accordance with the terms of the contract and to the faithful performance of the contract in other respects and to observance of the rules and regulations pursuant to which the sale is made. Contracts and bonds hereunder will be executed on forms 4-030 and 4-030a, respectively.

c. Section 79.42 Provisions to be inserted in contract is deleted, the first sentence in § 79.43 Renewals of contract is amended by substituting the words "authorized officer" for the words "Secretary of the Interior" and § 79.43, as amended, and § 79.44 Lands from which timber may not be sold are renumbered § 79.42 and 79.43, respectively. The section number 79.43 is substituted for the section number 79.44 in the renumbered § 79.43.

2. Section 50.300 Forms for use by the public (11 F. R. 177A-197) added by order of August 28, 1946, is amended by adding descriptions of new forms as follows:

Subject	Description of form	Form
Alaska	Timber: Contract for the sale of timber for export. Bond to be executed by purchaser under contract for the sale of timber for export.	4-030 -4-030a

(44 Stat. 242; 16 U.S. C. 616)

[SEAL]

FRED W. JOHNSON, Director.

Approved: March 28, 1947.

Warner W. Gardner,

Assistant Secretary of the Interior.

[F. R. Doc. 47-3300; Filed, Apr. 7, 1947; 8:47 a. m.]

TITLE 50-WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the Interior

PART 8—PROCLAMATION DESIGNATING
AREAS CLOSED TO HUNTING

FLORIDA

CROSS REFERENCE: For an addition to the tabulation contained in § 8.1 Areas closed to hunting by authority of the Migratory Bird Treaty Act of July 3, 1918, see Proclamation 2724 under Title 3. supra, designating as closed area certain lands and waters within, adjacent to, or in the vicinity of the Everglades National Wildlife Refuge, Florida.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR, Part 946]

[Docket No. AO-123-A6]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND-MENTS TO TENTATIVELY APPROVED MAR-KETING AGREEMENT

Correction

In Federal Register Document No. 47-3241, appearing at page 2254 of the issue for Friday, April 4, 1947, the date of the hearing in the first paragraph should read "April 21, 1947".

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8512]

HENRY DUIN

In re: Estate of Henry Duin, deceased. File D-28-10554; E. T. sec. 14944.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and purusant to law, after investigation, it is hereby found:

1. That Johan Duin, Bernhard Duin, Tiberius (Tieberius) Duin, Gesina Goeman (Mrs. S. Goeman) and Herman Duin, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of
Henry Duin, deceased, is property payable or deliverable to, or claimed by, the
aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by A. J. Reichmuth, Chokio, Minnesota, as Administrator, acting under the judicial supervision of

the Probate Court of Big Stone County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national

interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used. administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3332; Filed, Apr. 7, 1947; 8:49 a. m.]

[Vesting Order 8560] BERTHA W. TUM SUDEN

In re; Estate of Bertha W. Tum Suden, deceased. File D-28-10785; E. T. sec. 15127.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna S. Lange, William Lange and Bette Lange Foltoner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

nated enemy country (Germany);
2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bertha W. Tum Suden, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gertrude Lowe and Bertha M. Haacke, as executrices, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3333; Filed, Apr. 7, 1947; 8:49 a. m.] [Vesting Order 8581]

ANNA KLEMM

In re: Bank account and bond and mortgage participations owned by Anna Klemm. F-28-3210-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Klemm, whose last

1. That Anna Klemm, whose last known address is Aussigerstrasse 1, Dresden A 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Anna Klemm, by Bank of New York, 48 Wall Street, New York 15, New York, arising out of cash balances in an account, Account Number 20025, entitled Custodian A/C—Anna Klemm, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations arising out of bond and mortgage participations described in Exhibit A. attached hereto and by reference made a part hereof, issued by the Bank of New York, 48 Wall Street, New York 15, New York, in the unpaid amounts as of December 31, 1945 as set forth in the aforesaid Exhibit A opposite the description of said bond and mortgage participations, and carried in an account, Account Number 20025, entitled Custodian A/C-Anna Klemm, in the aforesaid Bank of New York, 48 Wall Street, New York 15, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

EXHIBIT A

Balar	ice unpaid
Description of issue as	of Dec.
by Bank of New York 3.	1.1945
Participation in bonds and mort-	75/00/07
gages covering real property lo-	
cated at 130-132 West 25th	- 4
	01 004 00
Street, New York, N. Y	\$1,324.37
Participation in bonds and mort-	
gages covering real property lo-	
cated at 112 East 91st Street,	
New York, N. Y	963.00
Participation in bonds and mort-	
gages covering real property lo-	
cated at 319 5th Avenue, New	
York, N. Y	148. 43
Participation in a bond and mort-	
gage covering real property lo-	
cated at 138-144 East 18th	
Street, New York, N. Y	5, 718.30
Participation in a bond and mort-	D, 110. 00
gage covering real property lo-	
cated at 202-212 West 89th	
Street, and 209 West 88th Street,	2 222 22
New York, N. Y	1,389.00
[F. R. Doc. 47-3335; Filed, Apr.	7 1947
8:50 a. m.]	, 2021,

[Vesting Order 8578] SHIGEHIRO KITADAI

In re: Debts owing to and bond owned by Shigehiro Kitadai, also known as Shigebiro Kitadai. D-39-167-A-1, D-39-167-A-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigehiro Kitadai, also known as Shigebiro Kitadai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as fol-

a. That certain debt or other obligation owing to Shigehiro Kitadai, also known as Shigebiro Kitadai, by Hunt, Hill and Betts, 120 Broadway, New York 5, New York, in the amount of \$210.68, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Shigehiro Kitadai, also known as Shigebiro Kitadai, by Empire Trust Co., 120 Broadway, New York 5, N. Y., arising out of a Trust Ledger-Cash Account, entitled Shigebiro Kitadai, and any and all rights to demand, enforce and collect the same, and

c. One United States Treasury Bond, of \$5,000.00 value, in bearer form, bearing the number 23557H, presently in the custody of Empire Trust Co., 120 Broadway, New York 5, N. Y., together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3334; Filed, Apr. 7, 1947; 8:49 a. m.]

- [Vesting Order 8589]

ROTTERDAMSCHE TRUSTEES' KANTOOR, N. V.

In re: Bonds owned by Rotterdamsche Trustees' Kantoor, N. V.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank voor Handel en Scheepvaart, N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Rotterdam. The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been acting directly or indirectly for the benefit or on behalf of a national of Germany and is a national of a designated enemy country (Germany);

2. That Rotterdamsche Trustees' Kantoor, N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is Rotterdam, The Netherlands, and all of whose capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Bank voor Handel en Scheepvaart, and is a national of a designated enemy country (Germany);

3. That the property described as fol-

Three (3) United Steel Works Corporation sinking fund 6½% gold bonds, due 1951, of \$1,000 face value each, bearing the numbers M28932, M28967, and M28979, issued in the name of bearer and presently in the custody of Union Banking Corporation, c/o Office of Alien Property, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rotter-damsche Trustees' Kantoor, N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the persons named in subparagraphs 1 and 2 hereof are controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and are nationals of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3336; Filed, Apr. 7, 1947; 8:50 a. m.]

[Vesting Order 8595]

AGNES SUSANNE VON BORCKE

In re: Stock owned by Agnes Susanne von Borcke, also known as Mrs. Susan von Borcke, as Agnes Susanne Hoffman and as Miss Suzanne Hoffman.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agnes Susanne von Borcke, also known as Mrs. Susan von Borcke, as Agnes Susanne Hoffman and as Miss Suzanne Hoffman, whole last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of common capital stock of Seaboard Air Line Railway Company, Plume and Granby Streets, Norfolk, Virginia, a corporation organized under the laws of the States of Virginia, North Carolina, South Carolina, Georgia and Florida, evidenced by certificate number NY 57299, dated December 23, 1937, registered in the name of Miss Suzanne Hoffman and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

 b. Ten (10) shares of no par value common capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number CX 173339, dated March 27, 1942, registered in the name of Mrs. Susan von Borcke and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3337; Filed, Apr. 7, 1947; 8:50 a. m.]

[Vesting Order 8598]

YOSHITARO WAKIMURA

In re: Stock owned by Yoshitaro Wakimura. F-39-1554-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

after investigation, it is hereby found:
1. That Yoshitaro Wakimura, whose last known address is Tokyo, Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as fol-

a. One hundred (100) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYC-421109, registered in the name of Yoshitaro Wakimura, together with all declared and unpaid dividends thereon,

b. Sixteen (16) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FWO3018, registered in the name of Yoshitaro Wakimura, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK, Director.

[F. R. Doc. 47-3338; Filed, Apr. 7, 1947; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2119722]

FLORIDA

NOTICE OF FILING OF SUPPLEMENTAL PLAT
MARCH 27, 1947.

Notice is given that the supplemental plat, hereinafter described, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on May 29, 1947. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, lecation, or selection as follows:

(a) Ninety-day period for preference right filings. For a period of 90 days from 10 a. m. on May 29, 1947, to close of business on August 27, 1947, inclusive, the public land affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on

prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) Twenty-day advance period for simultaneous preference right filings. For a period of 20 days from May 9, 1947, to 10:00 a. m. on May 29, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 29, 1947, shall be treated as simultaneously filed.

(c) Date for non-preference right filings authorized by the public land laws. Commencing at 10:00 a.m. on August 28, 1947, any of the land remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Twenty-day advance period for simultaneous nonpreference right filings. Application by the general public may be presented during the 20-day period from August 8, 1947, to 10:00 a. m. on August 28, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 28, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for this land, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. B. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning this land shall be addressed to the Bureau of Land Management, Washington 25, D. C.

The land affected by this notice is described as follows:

VOLUSIA COUNTY, FLORIDA

TALLAHASSEE MERIDIAN

T. 13 S., R. 32 E., frl. sec. 22, lot 1, 0.63 acres.

The above-mentioned plat, based upon the plat approved June 23, 1845, shows the designation and area for fri. sec. 22, which was not shown upon the original plat. The land has a level surface and is a sandy beach fronting on the Atlantic Ocean.

While an application for homestead entry may be considered it is doubtful whether such an application would be allowed, in view of the character of the land and the small area involved.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-3301; Filed, Apr. 7, 1947; 8:48 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 100 REDUCED

The order of the First Assistant Secretary of the Interior dated October 14, 1935, withdrawing certain tracts of public land in Alaska for use by the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following-described tract:

SUSITNA RIVER

All of a certain unnamed island in the Susitna River approximately three-fourths of a mile downstream from the village of Susitna on the Susitna River in approximate latitude 61°31′ N., longitude 150°30′ W., area not estimated.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 26, 1947. At that time the lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations.

The above land consists of an unnamed island in the Susitna River about three-fourths of a mile south of Susitna Station. The island supports only a sparse stand of vegetation near the center. The highest point on the island is approximately seventy (70) feet above sea level. The topography of the island is in general level.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MARCH 24, 1947.

[F. R. Doc. 47-3302; Filed, Apr. 7, 1947; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

RATE ORDERS UNDER THE PACKERS AND STOCKYARDS ACT

Notice is hereby given to stockyards. market agencies, and licensees that rate orders issued under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), constitute rules under the Administrative Procedure Act (60 Stat. 237), and the procedure set out in section 4 of the latter act must be observed with reference to the entry and effective date of such orders. Under the procedure set out in section 4, rate orders cannot normally become effective in less than 60 days after the filing of petitions therefor. Accordingly, all stockyards, market agencies, and licensees who are subject to the rate making provisions of the Packers and Stockyards Act should file their petitions sufficiently in advance of the desired effective date of such orders in order to permit compliance with

the provisions of section 4 of the Administrative Procedure Act. Hence, all such petitions for extensions or modifications of established rates should be filed not less than 60 days prior to the desired effective date, notwithstanding the provisions of any outstanding orders which require that such petitions shall be filed not later than a specified date and which date may be less than 60 days prior to the date on which such orders expire.

Done at Washington, D. C., this 2d day of April 1947.

H. E. REED, [SEAL] Director, Livestock Branch.

[F. R. Doc. 47-3331; Filed, Apr. 7, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 679 et al.]

NORTHWEST AIRLINES, INC., ET AL.; DE-TROIT-WASHINGTON SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., and other applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing air transportation between Washington, D. C., and Detroit, Michigan, via various intermediate points.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on April 28, 1947, 10 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th St. and Constitution Ave. NW., Washington, D. C., before the Board. Public hearing in the aboveentitled matter was held commencing October 23, 1946, before an Examiner of the Board, pursuant to Public Notice published in the FEDERAL REGISTER on October 9, 1946, (11 FR 11711), and the report of the Examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated at Washington, D. C., March 31,

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 47-3315; Filed, Apr. 7, 1947; 8:50 a. m.]

[Docket No. 2246 et al.]

CARIBBEAN ATLANTIC AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Caribbean Atlantic Airlines, Inc., Docket No. 2246, Pan American Airways, Inc., Docket No. 2170 and Chicago and Southern Air Lines, Inc., Docket No. 2684, pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates or amendments to certificates of public convenience and necessity authorizing air transportation in the Caribbean area and the petition of Caribbean Atlantic Airlines, Inc., Docket No. 2526 for the amendment of the certificate of public convenience and necessity of Pan American Airways, Inc., authorizing air transportation between Miami, Florida and South America or the imposition of restrictions thereon.

For further details of the operations proposed and the modification requested parties are referred to the applications on file with the Civil Aeronautics Board.

Notice is hereby given that pursuant to section 401 (c) of the Civil Aeronautics Act of 1938, as amended, the aboveentitled applications, having been consolidated for hearing by orders of the Board (Orders Serial Nos. E-304 and E-360, dated February 17, 1947, and March 1947, respectively), be and they hereby are designated for public hearing on April 21, 1947 at 10:00 a. m. (local time) at the Puerto Rico Chamber of Commerce, San Juan, P. R., before an Examiner of the Board.

Without limiting the scope of the issues presented by said applications, particular attention will be directed to the following matters and questions:

1. Whether the proposed transportation services, in whole or in part, are required by the public convenience and

necessity?

2. Whether the applicants are fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder?

3. In the event applicants propose substantially the same service or services, which of said applicants is required by the public convenience and necessity to perform the service or services to be authorized?

4. Whether the elimination of certain points from the certificate of public convenience and necessity held by Pan American Airways, Inc., or the imposition of restrictions on the service authorized thereby is required by the public conven-

ience and necessity? Notice is further given that any person other than the parties and interveners of record as of March 11, 1947, desiring to be heard in this proceeding may file with the Board on or before April 21, 1947, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the Rules of Practice under Title IV and section 1002 (i) of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., March 31, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 47-3314; Filed, Apr. 7, 1947; 8:50 a. m.1

[Docket No. 2405]

WATERMAN STEAMSHIP CORP. NOTICE OF ORAL ARGUMENT

In the matter of the application of Waterman Steamship Corporation for a

temporary certificate of public convenience and necessity authorizing service between New Orleans, La., and San Juan, Puerto Rico.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 14, 1947, 10 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th St. and Constitution Ave., N. W., Washington, D. C., before the Board. Public hearing in the above-entitled proceeding was held commencing October 7, 1946, before an Examiner of the Board, pursuant to public notice published in the FED-ERAL REGISTER on October 2, 1946 (11 F. R. 11223), and the report of the examiner and exceptions thereto have been filed and served on all parties to the proceeding.

Dated Washington, D. C., March 31, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 47-3316; Filed, Apr. 7, 1947; 8:51 a. m.l

[Docket No. 2634]

INTERCONTINENTAL AIR TRANSPORT CO.

NOTICE OF HEARING

In the matter of the non-certificated operations of Intercontinental Air Transport Co.

The Board having on November 14, 1946, issued to Intercontinental Air Transport Co. an order (Serial No. E-96) to show cause why it should not be ordered to cease and desist from engaging in scheduled air transportation in violation of sections 401 (a) and 610 (a) (4) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) 401 (a), 610 (a-4), 1001, 1002 (b), 1002 (c) thereof, hearing in the above-entitled proceeding is assigned to be held on April 21, 1947, at 10 a. m. (eastern standard time) in Room 1302, Temporary "T" Building, Constitution Avenue between 12th and 14th Streets NW., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the follow-

ing matters and questions: 1. Is respondent an "air carrier" en-

gaged in "air transportation" within the meaning of the Civil Aeronautics Act of 1938, as amended, and accordingly subject to the provisions of such act and in particular sections 401 (a) and 610 (a-4) thereof?

2. If respondent is an "air carrier" engaged in "air transportation", do its past and present operations in air transportation fall within those non-certificated operations authorized by § 292.1 of the Board's Economic Regulations.

3. Whether the Board should issue an order that respondent cease and desist from engaging in scheduled air transpor-

tation in violation of sections 401 (a) and 610 (a) (4) of the Civil Aeronautics Act of 1938, as amended.

Dated Washington, D. C., April 2, 1947. By the Civil Aeronautics Board.

M. C. MULLIGAN, Secretary.

F. R. Doc. 47-3313; Filed, Apr. 7, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 160]

RECONSIGNMENT OF LETTUCE AT KANSAS CITY, Mo.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., March 31, 1947, by D. L. Piazza Brokerage Co., of cars SFRD 8327, 33069, 25490, 35267 and 32190, lettuce, now on the A. T. & S. F. Railway, to D. L. Piazza Brokerage Co., Omaha, Neb. (CRI&P), account failure of carrier to notify consignee.

The waybill shall show reference to

this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register

Issued at Washington, D. C., this 31st day of March 1947.

> V. C. CLINGER. Director, Bureau of Service.

[F. R. Doc. 47-3310; Filed, Apr. 7, 1947; 8:50 a. ml

[S. O. 396, Special Permit 161]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, Mo.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo.-Kans., March 21, 1947, by Schultz Brokerage Co., of car PFE 36529, potatoes, on the A., T. & S. F. Railway, to Enid, Oklahoma; due to the carriers failure to place car for inspection because of congestion.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of April 1947.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 47-3311; Filed, Apr. 7, 1947; 8:50 a. m.]

[Nos. 29721 and 29722 1]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON, AND PACIFIC COASTWISE WATER RATES

SPECIAL RULES OF PROCEDURE

APRIL 2, 1947.

These proceedings are assigned for initial hearing at the office of the Commission, Washington, D. C., April 28, 1947, 10 o'clock a. m., United States standard time, before Chairman Aitchison. Additional hearings will be assigned at other points as soon as practicable after the conclusion of the Washington hearings. Shippers or others who plan to introduce evidence are requested to advise the Commission as soon as possible, stating the approximate time required and their preference as to place of hearing.

The Commission has given consideration to the motion filed by the United States Maritime Commission February 26, 1947, requesting expedited disposition of these proceedings and suggesting means of accomplishing such expedition. As prayed in that motion, and in order to afford the respondents, in conformity with the Commission's general rules of practice, an opportunity amicably to adjust their differences, to effect satisfactory settlement of the issues in these proceedings, and to promote peace and harmony in this phase of the transportation industry, the respondents are hereby directed to submit to this Commission, without prejudice to any party in interest, proposals of adjustment in the form of suggested rates which they are prepared to defend as just and reasonable in conformity with the rules of rate-making set forth in sections 15a (2) and 307 (f) of the Interstate Commerce Act. To that end the rail and water respondents are directed to confer for mutual consideration of their proposals in accordance with the letter from the Attorney General of the United States referred to in the motion of the Maritime Commission. The Commission also suggests the attendance at this conference of a representative of the Maritime Commission if it desires to participate. Proposals so arrived at shall be made public for the information of interested shippers not later than April 17, 1947. In this manner it is believed that the issues involved in these proceedings will be clarified and the shippers better enabled to meet those issues. Nothing done as a result of such a conference, however, shall bind the Commission in any way.

Special rules of procedure. Petitions of intervention are unnecessary. Persons who appear in opposition to respondents' proposed rates will be consid-

ered protestants.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel. The same course should be followed upon oral argument.

In the preparation of exhibits Rules 81-84 of the general rules of practice should be observed. If possible, all exhibits introduced by each witness should be included in a single pamphlet with pages consecutively numbered and suitably bound together. At least 50 copies of each exhibit should be available. So far as possible, exhibits should be selfexplanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verifled statements, as stated in the next

paragraph. Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part

^{1 12} F. R. 2202.

of the record upon which the Commission will base its decision.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 47-3312; Filed, Apr. 7, 1947; 8:50 a. m.]

OFFICE OF TEMPORARY CONTROLS

Civilian Production Administration

[C-424, Revocation]

CONSUMERS TEXTILE MFG. Co., INC.

LIST NO. 6

In view of the expiration of certain emergency controls and war powers as contained in the Second War Powers Act of 1942, Title 3, as amended March 31, 1947, the Director of the Compliance Division and the General Counsel have directed that the consent order hereinafter listed be revoked forthwith.

In view of the foregoing, It is hereby ordered, That the following consent order be revoked, effective April 7, 1947: Provided, however, That this revocation does not affect any liabilities incurred for violation of the consent order prior to revocation.

C-424 Consumers Textile Manufacturing Company, Inc.

Issued this 7th day of April 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3397; Filed, Apr. 7, 1947; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-120, 59-34]

NEW ENGLAND GAS AND ELECTRIC ASSN.

MEMORANDUM FINDINGS, OPINION, AND ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of April 1947.

On February 11, 1947, we issued our findings, opinion, and order approving the Alternate Plan of Recapitalization of New England Gas and Electric Association (New England) under section 11 (e) of the Public Utility Holding Company Act of 1935 and reserved jurisdiction, among other things, to pass upon certain definite terms and conditions relating to the sale by New England of \$22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds, 77,625 Cumulative Convertible Preferred Shares and a maximum of 1,850,000 common shares including rights for 479,235 common shares.

Subsequently, we granted an exception from the competitive bidding requirements of Rule U-50 with respect to the sale of Convertible Preferred Shares and such of the 479,235 new common shares as are not subscribed for upon exercise of subscription rights 2 and permitted the declaration under section 7 of the act to become effective with respect to the issue and sale of the new securities subject to certain terms and conditions including a condition that the proposed sale of such securities shall not be consummated until the results of competitive bidding for the Collateral Trust Bonds and the negotiations for the Convertible Preferred and Common Shares have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed.

New England has now filed an amendment to its application concerning certain matters in respect to the proposed sale of the securities and a further hearing was held with respect to such matters.

Pursuant to the competitive bidding requirements of Rule U-50, New England has offered its Collateral Trust Bonds for sale and has received the following bids:

Bidder or group representa-	Price to company	Inter- est rate	Cost to com- pany
J. Hancock Mutual Life Insurance Co. White, Weld & Co. 'The First Boston Corp Halsey, Stuart & Co., Inc	100, 05 100, 769 100, 539 100, 2799	27/s 3 3 3	2. 8717 2. 9488 2. 9641 2. 9813

New England has accepted the bid of John Hancock Mutual Life Insurance Company for the Collateral Trust Bonds as set forth above. The prospective purchaser states that the bonds will not be offered for resale but will be retained as an investment.

We conclude that no adverse findings are necessary with respect to such sale of the bonds.

The amendment filed by New England further states that, after the entry of the order by the Commission exempting from the competitive bidding requirements of Rule U-50 the sale of the Convertible Preferred Shares and the unsubscribed for common shares. New England conducted negotiations with representatives of three underwriting syndicates headed by The First Boston Corporation, White, Weld & Co. and Eastman, Dillon & Co. After receiving informal bids from such representatives, the company concluded that the informal bid submitted by The First Boston syndicate was the most susceptible of improvement through further negotiation and that further negotiation solely with The First Boston syndicate would secure the best prices for the securities to be sold. It is represented that, thereafter, such further negotiations were held and that, immediately prior to the opening of the competitive bids for the bonds on March 31, 1947, the company concluded an agreement with The First Boston syndicate for the underwriting of the Convertible Preferred Shares and the unsubscribed for common shares.

The First Boston Corporation has agreed to purchase Convertible Preferred Shares having a dividend rate of 4.50% at a price of \$100.50 resulting in an annual cost to New England of 4.4776%. The Convertible Preferred Shares will be offered for sale to the public at a price of \$103 per share resulting in an underwriters' spread of \$2.50 per share.

With respect to the 479,235 new common shares, New England will issue on April 2, 1947 to the holders of its \$5.50 preferred shares of record as of March 24, 1947, rights for the purchase of such new common shares at a price of \$9 per share. At the expiration of such rights, on April 16, 1947, the underwriters will purchase at the same price all of such shares as are not purchased through the exercise of the rights.

The underwriters have agreed to pay to New England on April 9, 1947 on account of their commitments in respect of the 479,235 new common shares a sum of money equal to \$4,313,115 less any amounts received by New England on or before April 8, 1947 in payment of subscriptions for its new common shares. Thereafter, the underwriters will be reimbursed by the further amounts received in respect of subscriptions for common shares of New England.

New England will pay to the underwriters as compensation for underwriting the subscriptions to the common shares a fee of \$24,565 subject to (a) a reduction of three-eighths of 1% of the amounts received by New England upon the exercise of transferable rights on or before April 8, 1947; and (b) an increase of \$0.70 in respect of each common share issued and delivered to the underwriters if the number of shares so issued and delivered exceed 71,885 shares.

The underwriters have agreed that in the event of a public or other offering of common shares purchased by them, they will pay to New England upon receipt of the proceeds of the sale thereof (a) the entire excess, if any, received by the underwriters over \$9 per share if the number of such common shares purchased does not exceed 14,377, or (b) 50% of the excess, if any, received by the underwriters over \$9 per share if the number of such common shares so purchased exceed 14,377.

As indicated, the 479,235 common shares of New England will be first offered to the present holders of the \$5.50 preferred shares. Since the underwriters will purchase only the unsubscribed for shares, the exact amount of the underwriters' compensation cannot be computed in advance. However, the theoretical minimum and maximum amounts can be determined upon certain assumptions. Thus, if no shares are taken as the result of the exercise of the rights, the maximum compensation to be received by the underwriters (excluding the effect of the provision relating to the

¹ New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7181.

² New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7277.

^{*}New England Gas and Electric Association, — S. E. C. — (1947), Holding Company Act Release No. 7295.

sharing of the excess of any resale price over price paid to New England) would amount to \$360,464.50.4 This theoretical maximum compensation would amount to 8.347% of the aggregate price to New England.

Under the underwriting agreement, the theoretical minimum of the underwriters' compensation in respect to the common shares would be reached if all the 479,235 common shares were disposed of through the exercise of the rights on or before April 8, 1947. The total compensation on this basis would be \$8,390.82 or 0.1945% of the aggregate price to New England.

Under the circumstances, we are satisfied that no adverse findings are necessary with respect to the sale of the Convertible Preferred Shares and that the provisions of the agreement with the underwriters relating to the determination of their compensation for the underwriting of the common shares provide sufficient assurance that such compensation will not be unreasonable in relation to the risks which they will have assumed in the transaction.

It is therefore ordered, That the jurisdiction heretofore reserved in respect to the results of the competitive bidding for \$22,425,000 principal amount of 20-year Collateral Trust Sinking Fund Bonds and the negotiations for 77,625 shares of Cumulative Convertible Preferred Shares and such of the 479,235 common shares as are not subscribed for upon exercise of subscription rights be, and the same hereby is, released, and that the amendment filed on April 1, 1947 to the application be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the reservation of jurisdiction set forth in the said order dated February 11, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc, 47-3321; Filed, Apr. 7, 1947; 8:52 a. m.]

[File No. 70-1469]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of March 1947.

Allentown-Bethlehem Gas Company (Allentown), a public utility subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application, with an amendment thereto, pursuant to section 6 (b) of the act, with respect to the following transaction:

Allentown has presently outstanding \$2,415,000 principal amount of First Mortgage Bonds, 334% Series due 1965,

all of which are owned by five life insurance companies and two savings banks. In lieu of refunding said bonds, Allentown proposes to reduce the interest rate on said bonds to 3% per annum effective March 1, 1947. The holders of said bonds have voluntarily assented to this proposal. Allentown has requested that the proposed transaction be excepted from the competitive bidding requirements of Rule U-50 and that it be permitted to consummate the proposed transaction immediately upon approval thereof.

Such application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed transaction has been approved by the Pennsylvania Public Utility Commission and that in the particular circumstances of this case it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed transaction, and that the application, as amended, should be granted so as to permit immediate consummation of the proposed transaction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application, as amended, be, and the same hereby is, granted and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 47-3323; Filed, Apr. 7, 1947; 8:52 a. m.]

[File No. 812-485]

ATLAS CORP. AND INDIAN MOTORCYCLE CO.
NOTICE OF APPLICATION, STATEMENT OF
ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of April A. D. 1947.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered investment company, and Indian Motorcycle Company ("Indian") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, a proposed sale by Indian to Atlas of 155,556 shares of the Common Stock of Indian, having a par value of \$1 per share, at a price of \$4.50 per share.

Atlas owns 56,932 shares of the 444,115 shares of Common Stock of Indian pres-

ently outstanding. Indian is, therefore, an affiliated person of Atlas. With certain exceptions not applicable in this instance, section 17 (a) of the act prohibits an affiliated person of an investment company from selling securities to the registered company. Atlas and Indian have, therefore, filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed sale from the provisions of section 17 (a) of the act. Atlas and Indian assert that the proposed sale meets the standards and requirements of section 17 (b).

The proposed sale is embodied in an agreement made between Atlas and Indian dated February 27, 1947, pursuant to which Atlas agrees to purchase the aforementioned securities subject to the conditions, among others, that:

1. The Chemical Bank and Trust Company and The Marine Midland Trust Company of New York shall have entered into a credit agreement pursuant to which the repayment of an indebtedness of Indian to the banks aggregating \$1,500,000 shall have been extended over a period of five years.

2. R. B. Rogers Companies, Inc. ("Rogers")1 shall have entered into an agreement pursuant to which Rogers agrees to purchase or cause others to purchase for cash, not later than September 1, 1947, 133,334 shares of the Common Stock of Indian at \$4.50 per share; provided that shares of stock of Indian issued in exchange for obligations of Indian aggregating not more than \$600,000 representing advances to Indian from affiliated companies, shall be regarded for the purposes of this provision as shares of stock issued for cash; and provided further that the merger of Rogers into Indian or the transfer by Rogers of all or substantially all its assets to Indian in exchange for shares of stock of Indian and the assumption by Indian of the liabilities of Rogers, in either case on terms satisfactory to Atlas, shall also be deemed compliance with this provision.

3. Rogers shall have entered into an agreement with Indian providing, in substance, that on or before September 1, 1947, unless Rogers and Indian shall mutually agree upon a later date, Rogers will sell, lease, or otherwise make available to Indian or cause others to sell, lease, or otherwise make available to Indian, plant and equipment suitable for Indian's business of an aggregate fair value of at least \$1,412,500, or in lieu thereof, if Rogers so elects, lend or cause to be lent to Indian the sum of \$1,412,500. in any such case on terms acceptable to the Chemical Bank and Trust Company and The Marine Midland Trust Company of New York. The aforesaid obligation of Rogers shall be deemed to be discharged if on or prior to September 1, 1947, or such later date as Rogers and Indian may mutually agree upon, (a) Rogers shall have transferred substantially all of its assets to Indian in exchange for shares of stock of Indian and the assumption by Indian of the liabili-

⁴If no rights were exercised, there is little likelihood that the common shares would be resold by the underwriters at a price much, if any, in excess of \$9 per share.

¹Rogers and one of its subsidiaries own approximately 44% of the issued and outstanding shares of Common Stock of Indian.

ties of Rogers, or (b) Rogers shall have been merged into Indian or (c) any other corporation shall have transferred assets to Indian in exchange for shares of stock of Indian or shall have been merged into Indian, provided there shall have been included in the assets transferred to Indian by such other corporation as part of any such transaction cash and/or other current assets and/or plant and equipment suitable for Indian's business, having an aggregate fair value of at least \$1,412,500, and provided further that if such aggregate fair value shall be less than \$1,412,500, the obligation of Rogers shall be limited to the amount of such deficiency

4. Hill Diesel Engine Company ("Hill" shall have transferred substantially all of its assets to Indian in exchange for not more than 127,111 shares of Common Stock of Indian and the assumption by Indian of the liabilities of Hill.2

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

- (1) Whether the proposed sale is fair and reasonable:
- (2) Whether the proposed sale involves overreaching on the part of any person
- (3) Whether the proposed sale is consistent with the policy of Atlas as recited in its registration statement and reports filed under the act:
- (4) Whether the proposed sale is consistent with the general purposes of the

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on April 11 1947, at 10:00 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

to the above-named applicants, Atlas Corporation and Indian Motorcycle Com-

Notice of such hearing is hereby given

By the Commission.

ORVAL L. DUBOIS, [SEAL] Secretary.

[F. R. Doc. 47-3222; Filed, Apr. 7, 1947; 8:52 a. m.]

[File No. 812-487]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of April A. D. 1947.

In the matter of Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, McCloskey Homes, Inc.

Notice is hereby given that Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America and Bankers Bond and Mortgage Company have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act a proposed agreement between Bankers Bond and Mortgage Company and McCloskey Homes, Inc., pursuant to which Bankers Bond and Mortgage Company agrees to lend Mc-Closkey Homes, Inc., funds upon appropriate security in connection with the construction and mortgaging of 876 individual dwellings, and McCloskey Homes, Inc. may sell to Bankers Bond and Mortgage Company individual and permanent mortgages created in connection with the sale of the individual dwellings.

Bankers Securities Corporation is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers Bond and Mortgage Guaranty Company of America is controlled by Bankers Securities Corporation. Bankers Bond and Mortgage Company is a wholly owned subsidiary of Bankers Bond and Mortgage Guaranty Company of America. Bankers Securities Corporation also owns 25% of the voting securities of McCloskey Homes, Inc.

In the proposed agreement Bankers Bond and Mortgage Company agrees to advance to McCloskey Homes, Inc. funds up to a prescribed maximum approximately equivalent to 90% of the construction completed, at the rate of 41/2% per annum, subject to certain limitations and conditions. McCloskey Homes, Inc., agrees that upon settlement following sale of each dwelling unit and lot, it will pay Bankers Bond and Mortgage Company the proceeds received by it from such sale, after deducting any sales commission payable thereon, to be applied in reduction of the principal of the advance money mortgage, and Bankers Bond and Mortgage Company will thereupon re-lease said unit and lot from the lien of the advance money mortgage. In addition, it is provided that Bankers Bond and Mortgage Company shall have the exclusive right to purchase, accept or place, at face amount, the individual mortgage financing required by any purchase of a dwelling unit, for which it is to receive a fee of 1% on such face amount, payable by McCloskey Homes, Inc. proposed that such mortgages will be eligible for insurance by the Federal Housing Administration or eligible for guarantee by the Veterans' Administra-

Section 17 (a) (3) of the act prohibits an affiliated person (McCloskey Homes, Inc.) from borrowing money or other property from a company controlled by a registered investment company (Bankers Bond and Mortgage Company), Section 17 (a) (1) of the act prohibits the sale by an affiliated person (McCloskey Homes, Inc.) of any security or other property to a company controlled by a registered investment company (Bankers Bond and Mortgage Company.)

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed agreement is fair and reasonable;

(2) Whether the proposed agreement involves overreaching on the part of any person concerned:

(3) Whether the proposed agreement is consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the Act:

(4) Whether the proposed agreement is consistent with the general purposes of the Act.

It appearing to the Commission that a hearing upon the application is necessarv and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on

whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before April 9, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

² This condition has already been complied

the aforesaid application be held on April 15, 1947, at 9:30 a.m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment

Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above mentioned Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, and McCloskey Homes, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate

in said proceedings should file with the Secretary of the Commission, on or before April 11, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

SEAL] ORVAL L. DuBois, Secretary.

[F. R. Doc. 47-3320; Filed, Apr. 7, 1947; 8:52 a. m.]

